

Mark Holtzman

From: Peter Romary <peter.romary@qverity.com>
Sent: Friday, November 1, 2019 4:40 PM
To: Mark Holtzman
Subject: Gerlach Inquiry

Dear Chief:

We have met before at ECU and I was the lawyer representing FOP and PBA in request for videos,

I have heard there are some PRA requests being sent to places, I have no concerns about those as I said and did nothing improper and NEITHER in my view did ANYONE else. I also had a number telephone conversations, that led to some references in texts etc that may seem out of place and need explanation, lest people think nefarious deeds were committed.

First - I was NOT the source of the initial photos, or whoever JohnQPublic is -- I have heard some whispers but I was helping get my daughter out of a potential revolution in Egypt when things were sent and was on the phone with someone, while in a car, at time media say they were sent. I offered ALL information to investigators.

Second, I was brought in purely and solely to protect police from what were indeed outrageous and malicious slurs by people who, online and offline, suggested that they had been part of a "set up" of Mr. Gerlach and worse.

Death threats directed at me, and my family, in the last few days, show how inflammatory being near this is. I have NO malice towards Mr. Gerlach -- I found out about this the Sunday the story broke and paid it little attention. When police began to be accused and (knowing I give pro bono advice) I was contacted and then spoke with Regional PBA officials about this and other matters. I wanted to help them not face any traducing of their reputations.

The primary phone call, as mentioned above, that I must note was the one I had with Ted Sauls and Donald Phillips, this was a couple of days before I got the tapes. I had sent in my proposed petition containing the reason for the request (that Mr. Gerlach had said to radio shows put out online that he was approached by off duty cops -- the press release and the stories changed over time).

In that phone call (I have all details here as with our firm recordation or note taking helps us go back) Ted stated that "there's no need for that explanation to be in there". Donald voiced agreement -- I stated that I felt Judge might want to know, but they said they deal with these a lot and it would be consent order.

My proposed petition also included verbiage that we would have a hearing if not agreed. That was removed in final I was sent.

My language for proposed order also contained a proviso that NO videos be released to the press // media, except in any forum in which allegations of police misconduct or "set up" had been made or were made. Again, I did NOT want MEDIA ATTENTION -- that was NOT removed by me.

MY ONLY goal was to protect police from being accused of misconduct and the stories of some were fairy tales. Many officers were very disturbed. I included verbiage that I had been asked by clients (people ON BoT

and BoG) HOW to get tapes so as to DISPROVE misconduct by Gerlach (which would have been congruent with DISPROVING misconduct by officers). They did not need services after they stated they had lawyers for system.

Per my clients (local mainly), they wanted me to share videos with UNC-GA // BoG and some others to ensure that police misconduct was NOT.

I was contacted by a couple of people working around the General Assembly who said that a politician "might hire me" (I have represented people from that august body, but I honestly thought that was as likely as me contracting bubonic plague) -- I thought it highly unlikely but, again, my clients wanted information // videos to be shared THERE lest anyone think there had been officer malfeasance-- I felt I needed to include that in communications with Donald.

I also included that messages were sent to leaders of the legislature (by me through others) as there was a risk (albeit slim, but potent) that someone might call asking for legislative subpoena or intervention and I did not want that -- again, allegations were made online about a police "set up" and fantastic claims about cabals and the deep state even. I wanted officers to know I was working this out.

I mentioned what I had been told by some members of police unions - that they would contact legislative leaders and seek subpoenas. I asked people to NOT take any such steps as we were negotiating an agreement. However, I needed to inform people as that can happen and so I did.

Many people, very well connected I am sure, plus legislators and national media make requests all the time -- when Donald and I spoke I said this was for informational purposes only and he understood and treats ALL people the same. We even agreed that the lawyers for UNC and for Gerlach would be notified as soon as I HAD the tapes, not before because of crossed wires and also petitions can be muddled by people who do NOT know the legal system.

Mike Montanye provided me limited information, I stressed to him (and to ALL) that I wanted no one to step out of bounds for this as this involved police and I did not want even a hint of impropriety. Mike is an exemplary officer and would NEVER step outside of bounds, I knew that and he and I confirmed that -- I also confirmed with Donald and with Ted that I expected no favorable treatment and was assured the opposite was true, every i needed to be dotted and every t crossed..

I explained where my information came from and I also heard that a member of the ECU BoT had been telling people that Gerlach admitted to the UNC investigators, that he had driven drunk on Sep 26 and hence had lied globally. The investigators were told (apparently) on Oct 8 - something it seemed quite a few in Greenville knew.

Donald drafted the new petition, Donald drafted the new appendix, Donald drafted the order and I took them to file, serve and have signed (the end of several weeks of work).

The Judge did ask for an explanation and I gave a brief overview and he was satisfied that GPD were satisfied.

In the back and forths I had told Donald (initially on phone) in discussing careers that we do judicial screening - - most often people who are candidates come to us to do "oppo" research on THEMSELVES -- we do this and can complete reports. 2 years ago there was talk of new Special Judges (I am not implying any career move was mentioned) but, AFTER the whole thing was negotiated I mentioned this to Donald -- everything was agreed and so NO ONE should infer a quid pro quo as offering someone the chance for oppo research on themselves is hardly a gift, plus we charge.

I communicated with Mike about my thoughts for Tonya -- again, we have been friends, she and I for 20+ years, and honestly I think she is under-utilized and that universities would benefit from having someone who knows criminal law and who can teach -- the salaries are HUGE for some and I believed she should be recommended for a job as the need for criminal law knowledge (people going online on radio and lying to get jobs back) is something I believe is needed.

Again, anyone can see there was no quid pro quo -- I think a recommendation from me to the UNC system would be the kiss of death. I also ensured no one thought I worked for the UNC system, the full BoG or ECU or the BoT -- I have clients on lots of bodies and boards, sometimes they ask for legal advice as they may believe something is not right, sometimes they have a speeding ticket.

Because of the work of our firm and being international, we work for government and private sector clients. I admire people who admire integrity and I will tell people that integrity wins friends and admiration from the RIGHT people -- integrity is NOT for sale and never should be.

So, as I began I will end -- I was retained to ask a question / make inquiry by people who then said "no further need, we have lawyer" and sought exoneration. I was brought on by Unions who needed help as they were being traduced (as I might add were some on BoT / BoG) wrongly -- my goal was and is to show NO LEOs were involved in any set up (look on Twitter // Facebook -- listen to Pirate Radio / Talk of the Town / Patrick Johnson show for end of Sept begin Oct and read ECU release).

MY verbiage on reason why we wanted this and my verbiage barring release to press was REMOVED and not by me -- records show by whom and I outline phone conversation.

I also was asked a question on tape retention policy by an old friend, I did not know answer and so asked Mike // Donald to respond.

There are names and clearly available identifying information of people in the correspondence, there is an offer for me to bring back some chocolate from UK to Mike and Tonya's son, there is idle banter between friends, career talk, talk of services -- NONE of this is a public record or information, none of this relates to Mr. Gerlach or was about requests about tapes -- NONE -- I ask that it be redacted. My address and contact info is on documents -- I would ask that ALL that can be stricken that is NOT responsive to the request be redacted if you would and please ensure that THIS is included with the documents.

My goal has been obscured (perhaps now it would have been better to leave it on the petition. Perhaps I should have asked the union people to ask for a subpoena).

But, no officer engaged in misconduct, that has now been proven -- why did we request the tapes? Because there were people going around saying that Mr. Gerlach had been set up by cops and that the President of the system might reinstate him on the basis of believing the internet chatter. If reinstated people needed to be disabused of ANY notion that ANY police did anything wrong -- that was the ONLY concern.

Thank you for your time and please confirm that this WILL be included in any release and let me know that info not about request will be redacted -- I put this in writing so that I am not taken out of context (but some may still). And for the record, I am a registered INDEPENDENT and have NEVER been a member of any "cabal" or the "deep state".

Best wishes,

Peter

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Peter Romary